

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-CR-255

vs.

Hon. Paul L. Maloney
Chief U.S. District Judge

GUILLERMO SAMANO-PADILLA, et al.,

Defendants,

LEODEGARIO CARRANZA,

Petitioner.

LEODEGARIO CARRANZA

**SETTLEMENT AGREEMENT REGARDING
REAL PROPERTY 78506 CR 376, COVERT, MICHIGAN**

WHEREAS, pursuant to their plea agreements and plea hearings, the Defendants consented to the forfeiture of their interests in certain property identified in the Forfeiture Allegation of the First Superseding Indictment, to include the following real property (hereinafter the "Subject Property"):

- f. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 78506 CR 376, Covert, Michigan, Township of Covert, County of Van Buren, more particularly described as:

Parcel 1: A strip of land 66 feet East and West by 660 feet North and South out of the Southeast corner of the following described property: The East 20 acres of the West Half of the Southeast Quarter of Section 29, Town 2 South, Range 17 West.

Parcel 2: A strip of land 86 feet East and West by 1013 feet North and South out of the Southeast corner of the East 20 acres of the West Half of the Southeast Quarter of Section 29, Town 2 South, Range 17 West, EXCEPT the South 660 feet of the East 66 feet of the East Half of the East Half of the West Half of the Southeast Quarter of said

Section 29.

P.P. #80-07-029-043-01.

Titled owner of property: Leodegario Carranza;

WHEREAS, on or about April 13, 2009, this Court entered a Preliminary Order of Forfeiture (the "Preliminary Order") regarding, *inter alia*, the Subject Property, upon finding that the Defendants had an interest in the Subject Property and that the government had established the requisite nexus between the Subject Property and the Defendants' criminal conduct;

WHEREAS, following the entry of the Preliminary Order, on or about May 19, 2009, Petitioner Leodegario Carranza (hereinafter the "Petitioner") filed a Petition for Hearing on Preliminary Order of Forfeiture, in which he claimed an interest in the Subject Property;

WHEREAS, the government, with the cooperation of Petitioner, has fully and fairly evaluated Petitioner's claim of interest in the Subject Property; and

WHEREAS, the parties to this Agreement, in the interest of fully resolving the Petitioner's claim of interest in the Subject Property and any claim that may in the future exist regarding the Subject Property, wish to settle any and all such claims.

IT IS HEREBY STIPULATED that Plaintiff United States of America, by and through Heath M. Lynch, Special Assistant United States Attorney, and Petitioner, by and through his attorney, Anastase Markou, consent to settle any and all of Petitioner's existing and/or potential claims to the Subject Property pursuant to the following terms:

1. Petitioner agrees and consents to the forfeiture of the Subject Property to the United States pursuant to Title 21, United States Code, Section 853.
2. Upon the issuance by the Court of a final order of forfeiture, the United States agrees to send to Petitioner a check in the amount of eight thousand dollars (\$8,000).

3. Petitioner agrees to promptly execute upon request any and all documents necessary for the United States to obtain clear title to the Subject Property.

4. Petitioner agrees to release and hold harmless Plaintiff United States, and any agents, servants, and employees of the United States, including without limitation the United States Attorney's Office for the Western District of Michigan and the Drug Enforcement Administration (and any involved state or local law enforcement agencies and their agents, servants, or employees), in their individual or official capacities, from any and all claims, demands, damages, causes of action or suits of whatever kind and description, and wheresoever situated, that might now exist or hereafter exist by reason of any action by Plaintiff against or relating to the Subject Property.

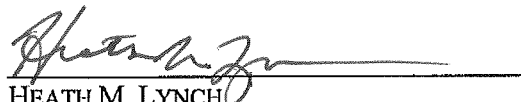
5. Petitioner understands and agrees that this Agreement shall be in full settlement and satisfaction of his claim to the Subject Property and of all potential claims resulting from the incidents or circumstances giving rise to this forfeiture action. Petitioner waives any right to litigate further his interest in the Subject Property in any forum, State or Federal. Petitioner further understands and agrees that, provided this Agreement is approved by the Court, Petitioner shall be excused and relieved from further participation in this action, unless specifically directed by order of the Court.

6. The parties understand and agree that this Agreement has been entered into by all parties freely, knowingly, and voluntarily, and it incorporates the complete understanding between the parties. No other promises have been made, nor may any additional agreements, understandings or conditions be entered into, unless in a writing signed by all parties or on the record in open court.

Respectfully submitted,

DONALD A. DAVIS
United States Attorney

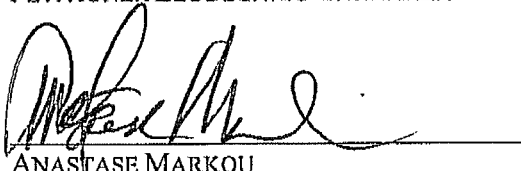
¹¹⁷
Dated: April 5, 2010


HEATH M. LYNCH
Special Assistant United States Attorney

Dated: April 25 2010


PETITIONER LEODEGARIO CARRANZA

^{May}
Dated: April 4, 2010


ANASTASE MARKOU
Levine & Levine
Attorney for Petitioner

The Court APPROVES the settlement agreement.

IT IS SO ORDERED.

Date: May 11, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge